

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, CINCINNATI

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| EVERETT W. WHISMAN, et al. | : | Case No. C-1-02-406 |
| Plaintiffs | : | Judge Beckwith |
| v. | : | |
| ZF BATAVIA, LLC, et al. | : | PLAINTIFFS' MOTION FOR LEAVE FOR AN EXTENSION TO FILE THEIR MEMORANDA IN OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT ON DECEMBER 16, 2003 |
| Defendants. | : | |

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Plaintiffs, Everett W. Whisman, et al. ("Plaintiffs"), hereby move for leave to file on December 16, 2003, their Memoranda in Opposition to the Motions for Summary Judgment filed by Defendants, ZFB Batavia, LLC ("ZFB"), and Ford Motor Company ("Ford"), for the reasons set forth herein. Defendants initially filed their respective motions on November 21. However, the Court subsequently struck ZFB's motion and an attachment to Ford's motion on November 24 for their failure to comply with the privacy provisions of the Court's electronic filing procedures. Ford and ZFB re-filed on November 25 and 26, respectively. The Court's docket thereafter reflected that Plaintiffs' responses to these motions are due on December 19 and 20, respectively.

However, if not for Defendants' re-filing, Plaintiffs' responses to these motions would be due on this date, December 15. In this vein, Plaintiffs request an extension of one day to file their responses. Plaintiffs are responding to two motions for summary judgment and

respective supporting memoranda that total almost sixty pages. Also, Defendants did not file numerous deposition exhibits that are relevant to this motion, which Plaintiffs intend to file with their supporting memoranda. In order to properly file the supporting memoranda and exhibits in organized fashion with the Court, Plaintiffs require one additional day of preparation. Accordingly, to the extent that Plaintiffs' memoranda are due for filing on this date, Plaintiffs respectfully request that this Court grant leave for Plaintiffs to file their memoranda in opposition to Defendants' motions for summary judgment on December 16, 2003. Plaintiffs have tendered a proposed Order with the Court.

Respectfully submitted,

/s Stephen A. Simon

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served, this 15th day of December, 2003, via regular U.S. mail, postage prepaid, upon counsel for Defendants:

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